

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

CRIMINAL NO. 04-10342-NG

V.

GARY ADAMS

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE SEIZED AS A RESULT OF AN  
ILLEGAL SEARCH AND STATEMENTS OF THE DEFENDANT IN VIOLATION  
OF HIS FIFTH AMENDMENT RIGHT AGAINST SELF INCRIMINATION

The defendant, Gary Adams, respectfully moves that this Honorable Court suppress from evidence a firearm and ammunition allegedly seized as a result of a warrantless search of an automobile registered to his father Gary Adams senior on August 13, 2004 as well as statements allegedly made by the defendant as a result of the illegal search and seizure. As grounds for this motion the defendant asserts that the evidence was seized in violation of his rights under the Fourth Amendment of the Constitution and the statements attributed to him by the police were the result of coercion by the police in violation of his rights under the Fifth Amendment of the Constitution and *Miranda v. Arizona*, 384 U.S. 436.

The defendant further states:

1. The police did not have a warrant to search the automobile that was legally parked and vacant.
2. The police had no probable cause or reasonable suspicion to justify the search of the automobile.

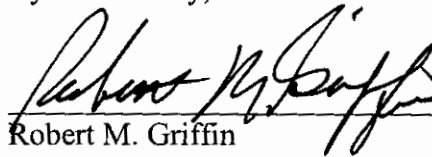
3. The police had no justification to pat frisk the defendant.
4. The firearm seized from under the driver's seat was discovered during an illegal search and was not in plain view.
5. The defendant did not consent to the search, pat frisk or detention.
6. The actions of the police exceeded the permissible scope of a Terry stop.
7. Any statements attributed to the defendant by the police were the fruits of the illegal police conduct.
8. Any statements attributed to the defendant by the police were also the result of unlawful police coercion in violation of his Fifth Amendment right as per *Miranda v Arizona*, 384 U.S. 436.

The search and seizure at issue was not supported by a warrant therefore the government bears the burden of proving that the challenged police conduct was lawful.

REQUEST FO AN EVIDENTIARY HEARING

The defendant requests an evidentiary hearing on this motion

Gary Adams  
By his attorney,

A handwritten signature in black ink, appearing to read "Robert M. Griffin", is written over a horizontal line.

Robert M. Griffin  
30 Eastbrook Rd. Rm. 301  
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781-320-0099  
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Date: June 3, 2005